



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda

### CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, January 12, 2011

7:00 PM

Council Chamber

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### D-R-A-F-T

#### CALL TO ORDER:

#### INVOCATION:

*Van Pearlberg, Ward 4 Council Member*

#### PLEDGE OF ALLEGIANCE:

#### PRESENTATIONS:

#### PROCLAMATIONS:

#### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

#### CONSENT AGENDA:

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

#### MINUTES:

20110002 Regular Meeting - December 8, 2010

Review and approval of the December 8, 2010 regular meeting minutes.

**20110003      Special Meeting - December 11, 2010**

Review and approval of the December 11, 2010 special meeting minutes.

**MAYOR'S APPOINTMENTS:****20110010      Mayor Pro tem**

Appointment of Mayor Pro tem for a term of one year expiring on January 11, 2012.

**20110011      Presiding Officer**

Appointment of Presiding Officer for a term of one year expiring on January 11, 2012.

**20110012      Economic/Community Development Committee**

Appointment of the Economic/Community Development Committee for a term of one year expiring on January 11, 2012.

**20110013      Finance/Investments Committee**

Appointment of the Finance/Investments Committee for a term of one year expiring on January 11, 2012.

**20110014      Judicial/Legislative Committee**

Appointment of the Judicial/Legislative Committee for a term of one year expiring on January 11, 2012.

**20110015      Parks, Recreation & Tourism Committee**

Appointment of the Parks, Recreation and Tourism Committee for a term of one year expiring on January 11, 2012.

**20110016      Personnel/Insurance Committee**

Appointment of the Personnel/Insurance Committee for a term of one year expiring on January 11, 2012.

**20110017      Public Safety Committee**

Appointment of the Public Safety Committee for a term of one year expiring on January 11, 2012.

**20110018      Public Works Committee**

Appointment of the Public Works Committee for a term of one year expiring on January 11, 2012.

**20110019      BLW Council Representative**

Appointment of the Board of Lights and Water (BLW) representative for a term of one year expiring on January 11, 2012.

**20110020      Marietta Board of Education Council Liaison**

Appointment of the Marietta Board of Education liaison for a one year term expiring on January 11, 2012.

**20110021      Marietta Housing Authority Council Liaison**

Appointment of the Marietta Housing Authority liaison for a term of one year expiring on January 11, 2012.

**CITY COUNCIL APPOINTMENTS:****20101246      Marietta Museum of History Appointments**

Consideration of a Board recommendation to appoint Robert Ormsby and Elva Dornbusch to the Board of Directors for three-year terms expiring October 31, 2013.

**20101276      Planning Commission Appointment**

Appointment of Donald A. Gillis to the Planning Commission (Ward 4) for a three-year term, expiring January 14, 2014.

**20101355      Cobb County Board of Health and Cobb County Community Services Board**

Appointment of Wyman Pilcher to the Cobb County Board of Health and Cobb County Community Services Board for a six (6) year term.

**ORDINANCES:****20101328      Z2011-01 Amanda S. Kirk 1395 Cobb Parkway North**

Z2011-01 [REZONING] THE WILLIAM W. SCOGIN, JR. FAMILY INVESTMENTS, LLLP (AMANDA S. KIRK) request rezoning for property located in Land Lot 09340, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 1395 Cobb Parkway North from CRC (Community Retail Commercial) to CRC with additional use (Community Retail Commercial with additional use). Ward 4.

*Planning Commission recommends approval with stipulation      Vote:      6 – 0 – 0*

*Motion: Mr. Gillis made a motion, seconded by Mr. Kinney, to approve the request.*

*Stipulation: To waive all Tree Protection and Landscaping requirements to allow the property to remain as-is.*

*PUBLIC HEARING (all parties are sworn in)*

**20101329      Z2011-02 Petroleum Realty V, LLC (David Malone) 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)**

Z2011-02 [REZONING] DAVID MALONE request rezoning for property located in Land Lot 12060, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1912 Lower Roswell Road from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 6.

*Planning Commission recommends approval with stipulations      Vote:      6 – 0 – 0*

*Motion: Mr. Kinney moved, seconded by Mr. Diffley, to recommend to City Council that this petition be accepted as submitted.*

*Stipulation: In addition to a wooden privacy fence being constructed between the residential areas, the following variances are included in this recommendation and should be for the current developed property only, and should be discontinued upon the redevelopment of the site:*

- *Variance to reduce the required buffer from 40 feet to 0 feet. [Sect. 708.16 (I)]*
- *Variance to allow the continuance of a nonconforming pylon sign. [Sect. 714.04 (E)]*
- *Variance to increase the allowable impervious surface from 80% to 100%. [Sect. 708.16 (H)]*
- *Variance to reduce the required landscaped area from 15% to 0%. [Sect. 708.16 (H)]*
- *Variance to waive all Tree Protection and Landscaping requirements to allow the property remain as-is. [Section 712.08]*

*PUBLIC HEARING (all parties are sworn in)*

**20101330      A2011-01 Petroleum Realty V, LLC (David Malone) 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)**

A2011-01 [ANNEXATION] PETROLEUM REALTY V, LLC request annexation for property located in Land Lot 12060, District 16, Parcel 0080, and being known as 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road), 2nd Section, Cobb County, Georgia consisting of .86 acres. Ward 6.

*Planning Commission recommends approval    Vote:    6 – 0 – 0*

*Motion:    Mr. Diffley made a motion to annex subject property, seconded by Mr. Carter.*

*Stipulation: N/A*

*PUBLIC HEARING (all parties are sworn in)*

**20101331      CA2011-01 David Malone 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)**

CA2011-01 [CODE AMENDMENT] DAVID MALONE in conjunction with the requested annexation of property located in Land Lot 12060, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 6.

*Planning Commission recommends approval    Vote:    6 – 0 – 0*

*Motion:    Mr. Kinney made a motion to recommend to City Council that the proposal made by the City of Marietta to designate the Future Land Use as CAC (Community Activity Center) be set, seconded by Mrs. Watkins.*

*Stipulation: N/A*

*PUBLIC HEARING (all parties are sworn in)*

**20101189      Z2010-12 MRW Properties, LLC 313 Marble Mill Road**

Z2010-12 [SPECIAL LAND USE PERMIT] MRW PROPERTIES request a Special Land Use Permit for property located in Land Lot 1005, District 16, Parcel 0280, 2nd Section, Marietta, Cobb County, Georgia and being known as 313 Marble Mill Road in order to operate a vehicle towing company at this location. The property is currently zoned HI (Heavy Industrial). Ward 5.

*Planning Commission recommends approval with stipulations*

*Vote: 5 – 0 – 1\**

*Motion: Mrs. Watkins made a motion, seconded by Mr. Kinney, to recommend to City Council that the Special Land Use Permit be granted.*

*Stipulations:*

*Include the Letter of Stipulations dated November 29, 2010 from Melissa P. Haisten to Russell J. Roth, with the exception of Stipulation #1 referring to the existing Special Land Use Permit for a plastic recycling facility be excluded. In addition, the following stipulations are incorporated as a part of the approval:*

- 1. Towing would be limited to normal passenger class vehicles;*
- 2. Towing intake outside the normal hours of operation would be limited to the front 2/3 (two-thirds) of the property;*
- 3. Wrecked vehicles would be stored on a paved surface with proper approved drainage runoff and filtration systems;*
- 4. Accommodations would be made to prevent any runoff into the adjacent residential area;*
- 5. Vehicle storage would not exceed the height of the fence;*
- 6. Business would not enter into any contracts with any municipalities (cities or counties).*

*\*Motion carried 5 – 1 – 0 with Chairman Dollar opposed.*

*At the request of Chairman Dollar, votes were retaken.*

*Motion carried 5 – 0 – 1 with Chairman Dollar abstaining.*

*PUBLIC HEARING (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

**\*      20110027      Denial of Claim**

Denial of claim of Ina Marie Bryant and Lawton Lonnie Bryant.

**\*      20110007      Final Order - Frank Bradford v. City of Marietta**

Motion to approve Final Order in the case of Frank Bradford v. City of Marietta.

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****2. Finance/Investment: Annette Lewis, Chairperson**

- \*      **20101338      Finance/Tax division expenses increased from collecting back taxes**

Approval of an Ordinance amending the Fiscal Year 2011 General Fund budget to appropriate increased reimbursement revenue from back taxes to cover the cost of collection agency expenses.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**20101258      Parades and Demonstrations**

Approval of an Ordinance amending Part 9-8 of the Code of Marietta, to update time limits to apply for permits, and streamline guidelines to facilitate better traffic flow around special events.

\*      **20101268      Fee Chart**

Motion approving proposed changes to the City Fee Chart.

\* **20101346 St. Joseph's Catholic Church**

Motion to amend a previously approved zoning condition for St. Joseph's Catholic Church located in Land Lot 10860, District 16, Parcels 0010, 0460, 0370, 0220, 0230, 0240, 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 589 Campbell Hill Street, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 570 Nancy Street, 574 Nancy Street and 543 Sugar Hill Drive.

The previous condition, which stated, "Variance to allow use of an unpaved parking lot for a period of two (2) years" shall be granted a two (2) year extension. Further, if St. Joseph's Church cannot pave the lot within the next two years, they will cease to use the lot. (See attached letter dated November 2, 2010 from James W. Friedewald to Mr. Rusty Roth, City of Marietta Department of Developmental Services.)

All other conditions and variances approved in conjunction with the approval to rezone the property and approval of the Special Land Use Permit on March 11, 2009, shall remain in full force and effect.

\* **20101252 Personal Care Homes and Assisted Living Facilities**

Approval of an Ordinance amending the Comprehensive Development Code of the City of Marietta, Division 708.01 (B), Division 708.02 (B), Division 708.03 (B), Division 708.04 (B), Division 712.02 (B) and Division 724.02, regarding group homes and personal care homes.

**20101352 Proposed business license requirements**

Approval of an Ordinance related to the licensing of pain clinics within the City of Marietta.

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

\* **20101344 2011 Street Closure Requests**

Motion approving the closure of various streets throughout 2011 to accommodate the Glover Park Concert Series, Taste of Marietta, Marietta Daze, 97.1 Wing and Rock Fest, Juneteenth, Fourth in the Park Parade and Festival, Labor Day Fine Art Show (Art in the Park), Antique Street Festival, Marietta Reads, Harvest Square Arts and Crafts Show/Halloween Happenings, MUST Ministries Gobble Jog, and the Marietta Farmer's Market and, approving city sanctioning of the 97.1 Wing and Rock Fest.



**5. Personnel/Insurance: Van Pearlberg, Chairperson****6. Public Safety Committee: Anthony Coleman, Chairperson****\* 20101308 Standard Operating Procedures**

Motion approving revisions to the Police Department Standard Operating Procedures A019 Risk Analysis, A030 Code of Conduct, A036 Ride Along Program, A044 Uniforms, Equipment & Departmental Property, A054 Assignments, P010 Patrol Operations, P044 Police Vehicles, S020 Canine Program, S035 Crime & Accident Scenes, T040 Firearms Regulations & Qualifications, T050 Training.

**7. Public Works Committee: Jim King, Chairperson****\* 20101233 Allgood Road Mid-Block Pedestrian Crossing**

Motion authorizing Public Works to install two mid-block pedestrian crossings on Allgood Road at Allgood Elementary.

**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****OTHER BUSINESS:****20101354 V2011-01 Burnt Hickory, LLC (William R. Candler) 800 Whitlock Avenue**

Motion to approve the following variances for property located in Land Lot 12240, District 16, Parcel 0560 and being known as 800 Whitlock Avenue:

1. Variance to reduce the required street trees along Whitlock from 16 to 12 [Section 712.08 Table G];
2. Variance to allow four (4) Crape Myrtle trees to be allowed to remain in planter islands. Crape Myrtle trees are not included in the list of acceptable tree species [Section 712.08(L); Table G].

**20110004 BLW Actions of January 10, 2011**

Review and approval of the January 10, 2011 actions and minutes of the Marietta Board of Lights and Water.

**ADJOURNMENT:**